

Senate File 2321

S-5132

1 Amend Senate File 2321 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 321.210, subsection 2, Code
5 2009, is amended by adding the following new paragraph:
6 NEW PARAGRAPH. e. Violations of section 321.276.
7 Sec. 2. NEW SECTION. 321.276 Prohibited use
8 of electronic communication device — persons under
9 eighteen years of age.
10 1. For purposes of this section, unless the context
11 otherwise requires:
12 a. *"Electronic communication device"* means an
13 electronic device, including but not limited to a
14 wireless telephone, a personal digital assistant, or
15 a portable or mobile computer, capable of being used
16 for the purpose of writing, reading, or sending a
17 text-based communication or accessing the internet.
18 b. *"Text message"* means a text-based communication
19 transmitted through the short messaging service
20 (SMS), a wireless telephone service, or an electronic
21 communication network by means of a wireless handset or
22 other electronic communication device.
23 c. *"Write, read, or send a text-based communication"*
24 means using an electronic communication device
25 to communicate with any person or device using a
26 text-based communication, including but not limited to
27 a text message, an instant message, or electronic mail.
28 2. A person under eighteen years of age shall
29 not operate a motor vehicle while using an electronic
30 communication device to write, read, or send a
31 text-based communication or to access the internet.
32 3. a. A person convicted of a violation of this
33 section is guilty of a simple misdemeanor punishable as
34 a scheduled violation under section 805.8A, subsection
35 14, paragraph "k".
36 b. A violation of this section shall not be
37 considered a moving violation for purposes of this
38 chapter or rules adopted pursuant to this chapter.
39 4. For the period beginning July 1, 2010, through
40 June 30, 2011, peace officers shall issue only
41 warning citations for violations of this section. The
42 department, in cooperation with the department of
43 public safety, shall establish educational programs
44 to foster compliance with the requirements of this
45 section.
46 Sec. 3. Section 321.482A, unnumbered paragraph 1,
47 Code 2009, is amended to read as follows:
48 Notwithstanding section 321.482, a person who
49 is convicted of operating a motor vehicle in
50 violation of section 321.275, subsection 4, section

1 321.276, 321.297, 321.298, 321.299, 321.302, 321.303,
2 321.304, 321.305, 321.306, 321.307, 321.308, section
3 321.309, subsection 2, or section 321.311, 321.319,
4 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
5 321.324A, 321.327, 321.329, or 321.333 causing serious
6 injury to or the death of another person may be subject
7 to the following penalties in addition to the penalty
8 provided for a scheduled violation in section 805.8A or
9 any other penalty provided by law:

10 Sec. 4. Section 321.555, subsection 2, Code 2009,
11 is amended to read as follows:

12 2. Six or more of any separate and distinct
13 offenses within a two-year period in the operation of a
14 motor vehicle, which are required to be reported to the
15 department by section 321.491 or chapter 321C, except
16 equipment violations, parking violations as defined
17 in section 321.210, violations of registration laws,
18 violations of sections 321.445 and 321.446, violations
19 of section 321.276, operating a vehicle with an expired
20 license or permit, failure to appear, weights and
21 measures violations and speeding violations of less
22 than fifteen miles per hour over the legal speed limit.

23 Sec. 5. Section 805.8A, subsection 14, Code
24 Supplement 2009, is amended by adding the following new
25 paragraph:

26 NEW PARAGRAPH. k. *Electronic communication device*
27 *violations.* For violations under section 321.276, the
28 scheduled fine is thirty dollars.>

29 2. Title page, by striking lines 1 through 3 and
30 inserting <An Act relating to the use of electronic
31 communication devices by a motor vehicle operator under
32 eighteen years of age and providing penalties.>

33 3. By renumbering as necessary.

BRAD ZAUN